

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

- - -

UNITED STATES OF AMERICA,	.	Case No. 1:09-cr-146
	.	
Plaintiff,	.	
	.	Arraignment and Plea
- v -	.	
	.	Tuesday, October 13, 2009
KEITH E. CORBIN,	.	2:25 PM
	.	
Defendant.	.	Cincinnati, Ohio
.	

TRANSCRIPT OF PROCEEDINGS
BEFORE THE HONORABLE HERMAN J. WEBER, SENIOR JUDGE

For the Plaintiff: MACHELLE L. JINDRA, ESQ.
 KEVIN C. CULUM, ESQ.
 United States Department of Justice
 Antitrust Division
 Carl B. Stokes U.S. Court House
 801 West Superior Avenue, 14th Floor
 Cleveland, Ohio 44113-1857

For the Defendant:

LAWRENCE S. LUSTBERG, ESQ.	MARY JILL H. DONOVAN, ESQ.
JENNIFER MARA, ESQ.	Donovan Law
Gibbons PC	910 Race Street
One Gateway Center	Cincinnati, Ohio 45202
Newark, New Jersey 07102-5310	

Also present: Laurie Cooke, Pretrial Services
 Laura S. Jensen, Probation Officer

Law Clerk: Amy Peters Thomas, Esq.

Courtroom Deputy: Darlene Maury

Court Reporter: Luke T. Lavin, RDR, CRR
 838 Potter Stewart U.S. Courthouse
 100 East Fifth Street
 Cincinnati, Ohio 45202

*Proceedings recorded in stenotype;
transcript prepared by computer.*

P R O C E E D I N G S

(In open court at 2:25 PM.)

THE COURT: Proceed, Ms. Maury.

COURTROOM DEPUTY: Judge, on the docket this
afternoon --

THE COURT: Please be seated.

MR. LUSTBERG: Thank you, Your Honor.

COURTROOM DEPUTY: -- is Criminal Action 09-146,
United States of America versus Keith Corbin. Appearing on
behalf of the government is Kevin Culum and Machelle Jindra.
Appearing on behalf of the defense is Lawrence Lustberg,
Jennifer Mara, and Mary Jill Donovan, and the defendant is
present in the courtroom.

THE COURT: Mr. Culum, I have a motion here, I think
signed by you, requesting the case be unsealed.

MR. CULUM: Yes, Your Honor. And, Your Honor, Ms.
Jindra will be doing most of the talking today in Mr. Corbin's
case.

THE COURT: I'm sorry I wore you out this morning.

MR. CULUM: Well, I'm getting ready for the afternoon.

THE COURT: Oh, okay.

The Court will order the documents unsealed.

Let's see. Are you Mr. Keith Corbin?

THE DEFENDANT: Yes, sir, I am.

MR. LUSTBERG: Your Honor, do you want Mr. Corbin to

1 rise when you address him?

2 THE COURT: No. I'm sorry. This is going to be a
3 long session. And I appreciate the input of lawyers greatly;
4 however, this is basically between me and Mr. Corbin.

5 MR. LUSTBERG: No problem.

6 THE DEFENDANT: Thank you, Your Honor.

7 THE COURT: So we understand each other. And you
8 rise, go to the lecturn if you prefer, make a great speech if
9 you prefer, but you may sit there as well.

10 MR. LUSTBERG: That's what I'll do.

11 THE COURT: Mr. Corbin, are you represented by a
12 lawyer?

13 THE DEFENDANT: Yes, sir, I am.

14 THE COURT: And what's your lawyer's name?

15 THE DEFENDANT: Lawrence Lustberg.

16 THE COURT: All right, sir.

17 Mr. Lustberg, have you explained to your client his right
18 to have the matter considered by the grand jury?

19 MR. LUSTBERG: Yes, Judge.

20 THE COURT: And what's your advice to your client?

21 MR. LUSTBERG: I advised him to waive indictment and
22 to proceed by way of Information.

23 THE COURT: Did you explain to him the charge that
24 he's facing in this matter?

25 MR. LUSTBERG: I did, Judge.

1 THE COURT: Mr. Corbin, do you have any question about
2 the charge in this Information?

3 THE DEFENDANT: No, Your Honor.

4 THE COURT: Just so -- we're going to read it at some
5 time during this proceeding, and we'll read it at this time.
6 So if you'll please listen as the Assistant U.S. Attorney
7 presents the charge to the record of the Court.

8 Ms. Jindra, do you want to proceed.

9 MS. JINDRA: Thank you, Your Honor.

10 United States of America, Plaintiff, versus Keith E.
11 Corbin, Defendant. The Information.

12 Heading: Conspiracy To Restrain Trade, 15 U.S.C. Section
13 1.

14 The United States of America, acting through its attorneys,
15 charges:

16 Paragraph 1: Keith E. Corbin is hereby made a defendant on
17 the charge stated below.

18 Roman numeral I. Heading: Description Of The Offense.

19 Paragraph number 2. Beginning at least as early as March
20 1st, 2005, and continuing until at least July 17th, 2007, the
21 exact dates being unknown to the United States, the defendant
22 and co-conspirators entered into and engaged in a conspiracy to
23 suppress and eliminate competition by allocating packaged-ice
24 customers in southeastern Michigan and the Detroit, Michigan,
25 metropolitan area. The charged conspiracy unreasonably

1 restrained interstate trade and commerce, in violation of
2 Section 1 of the Sherman Act, 15 U.S.C. Section 1.

3 Paragraph number 3. The charged conspiracy consisted of a
4 continuing agreement, understanding, and concert of action
5 among the defendant and co-conspirators, the substantial terms
6 of which were to allocate packaged-ice customers in
7 southeastern Michigan and the Detroit, Michigan, metropolitan
8 area.

9 Roman numeral number II. Heading: Means And Methods Of
10 The Conspiracy.

11 Paragraph number 4. For the purposes of forming and
12 carrying out the charged conspiracy, the defendant and
13 co-conspirators did the following things, among others:

14 (a) participated in conversations to discuss packaged-ice
15 customers in southeastern Michigan and the Detroit, Michigan,
16 metropolitan area;

17 (b) agreed, during those conversations, to allocate
18 packaged-ice customers in southeastern Michigan and the
19 Detroit, Michigan, metropolitan area;

20 (c) exchanged information during those conversations, for
21 the purpose of monitoring and enforcing adherence to the
22 agreements to allocate customers in southeastern Michigan and
23 the Detroit, Michigan, metropolitan area; and

24 (d) refrained from competing for packaged-ice customers
25 that were so allocated.

1 Roman numeral III. Heading: Defendant And
2 Co-Conspirators.

3 Paragraph number 5. Beginning at least as early as March
4 1st, 2005, and continuing until at least September 1st, 2006,
5 the defendant was the vice president of sales and marketing of
6 Artic Glacier International Incorporated, which is a
7 corporation organized and existing under the laws of the state
8 of Delaware and does business in multiple states, with its
9 principal place of business in St. Paul, Minnesota.

10 Paragraph number 6. Various individuals and corporations,
11 not made defendants in this Information, participated as
12 co-conspirators in the offense charged and performed acts and
13 made statements in furtherance of it.

14 Roman numeral number IV. Trade And Commerce.

15 Paragraph number 7. During the period covered by this
16 Information, the defendant and co-conspirators: (1)
17 manufactured packaged ice; (2) distributed packaged ice to
18 retailers in southeastern Michigan and the Detroit, Michigan,
19 metropolitan area; and (3) caused packaged ice to be purchased
20 from, sold to, or distributed from or to, individuals and
21 companies located inside and outside of southeastern Michigan
22 and the Detroit, Michigan, metropolitan area.

23 Paragraph number 8. During the period covered by this
24 Information, substantial quantities of packaged ice
25 manufactured and sold by the defendant was shipped across state

1 lines in a continuous and uninterrupted flow of interstate
2 trade and commerce.

3 Paragraph number 9. The business activities of the
4 defendant and co-conspirators that are the subject of this
5 Information were within the flow of, and substantially
6 affected, interstate trade and commerce.

7 Roman numeral number V. Venue.

8 Paragraph number 10. The conspiracy charged in this
9 Information was formed and carried out within the Southern
10 District of Ohio, Western Division. At least one of the
11 conspiratorial discussions described above took place in
12 Cincinnati, Ohio, which is located within the Southern District
13 of Ohio. Acts in furtherance of this conspiracy were carried
14 out within the five years proceeding the filing of this
15 Information.

16 All in violation of Title 15, United States Code, Section
17 1.

18 The Information is signed by Christine A. Varney, Assistant
19 Attorney General; Scott D. Hammond, Deputy Assistant Attorney
20 General; Marc Siegel, Director of Criminal Enforcement, all for
21 the Antitrust Division. It's also signed by Scott Watson,
22 chief of the Cleveland field office, and Kevin C. Culum, an
23 attorney with the Antitrust Division.

24 THE COURT: Mr. Corbin, do you have any questions
25 about this Information?

1 THE DEFENDANT: No, Your Honor.

2 THE COURT: Has Mr. Lustberg explained it --

3 I'm sorry if you can't hear. I'll get this -- is that
4 better?

5 THE DEFENDANT: Yes, that's fine. Thank you.

6 THE COURT: Okay. Has Mr. Lustberg explained to you
7 the meaning of this charge and answered your questions
8 concerning it?

9 THE DEFENDANT: Yes, he has, Your Honor.

10 THE COURT: All right. Now, please understand that by
11 proceeding with this case without the consideration by the
12 grand jury does not void you or does not take away from you any
13 of your other constitutional rights. You still have the right
14 to plead not guilty. You have the right to be tried by a jury.
15 You have a right to be represented throughout the proceedings,
16 the trial and afterwards, by counsel. You have a right to face
17 the prosecution witnesses. You have the right to compel
18 witnesses to come in and testify as you wish, and the United
19 States must prove your guilt beyond a reasonable doubt to
20 strike away from you the cloak of presumption of innocence.

21 So please understand that all you're giving up at this time
22 in this proceeding is the right to have the matter considered
23 by the grand jury before you can be tried or handled in this
24 court.

25 Now, do you have any questions about your rights to have

1 the grand jury consider your case?

2 THE DEFENDANT: No, Your Honor.

3 THE COURT: Do you feel you're acting in your own best
4 interest in this regard?

5 THE DEFENDANT: Yes, I do, Your Honor.

6 THE COURT: If it's your desire to proceed in this
7 manner and give up your right to have the grand jury consider
8 your case --

9 THE DEFENDANT: Yes, Your Honor.

10 THE COURT: -- you may sign the written waiver that's
11 before you.

12 And, Mr. Lustberg, if you'll please explain it to him and
13 answer any of his questions.

14 MR. LUSTBERG: Your Honor, for the record, we've
15 reviewed this document thoroughly and he completely understands
16 it.

17 THE COURT: Let the record show I'm observing the
18 defendant Mr. Corbin sign the waiver here in open court.

19 Do you have any questions at this time about this part of
20 the proceedings?

21 THE DEFENDANT: No, sir, I don't.

22 THE COURT: And this is your signature on the
23 document?

24 THE DEFENDANT: Yes, it is.

25 THE COURT: The Court will accept the waiver of the

1 indictment and will proceed on the basis of the charge
2 contained in the Information.

3 Now that the charge in the Information has become the
4 charging document in this case, how do you plead to the charge,
5 sir?

6 THE DEFENDANT: Guilty, Your Honor.

7 THE COURT: Before accepting your plea of guilty, I
8 must determine that it is made voluntarily, with understanding
9 of the nature of the charge and the consequences of the plea.
10 By offering to plead guilty, you do give up certain of your
11 constitutional rights. This must be an intentional giving up
12 of rights and privileges that you now have.

13 Please understand that I need not accept your plea unless
14 satisfied of your guilt and that you fully understand your
15 rights. In order to make this determination, I must ask some
16 questions. Before I do, it's necessary that you obligate
17 yourself to tell the truth. Once having been sworn, your
18 answers to my questions will be subject to the penalties of
19 perjury, of making a false statement, or possibly contempt of
20 court if you do not answer truthfully.

21 Are you willing to accept the obligation to tell the truth?

22 THE DEFENDANT: Yes, I am, Your Honor.

23 THE COURT: Would you swear the witness.

24 THE DEFENDANT: I certainly will.

25 COURTROOM DEPUTY: Mr. Corbin, please stand and raise

1 your right hand.

2 (The defendant was duly sworn by the courtroom deputy.)

3 COURTROOM DEPUTY: Thank you. Be seated.

4 THE COURT: Mr. Corbin, how old are you, sir?

5 THE DEFENDANT: 74 years old.

6 THE COURT: And how much education do you have?

7 THE DEFENDANT: I finished high school.

8 THE COURT: We're conversing in the English language?

9 THE DEFENDANT: Yes.

10 THE COURT: Can you understand me?

11 THE DEFENDANT: Yes, I can, sir.

12 THE COURT: I can understand you. Have you taken any
13 narcotic drug, medicine or pills or drunk any alcoholic
14 beverages in the past 24 hours?

15 THE DEFENDANT: I've taken some drugs, Your Honor,
16 some medication.

17 THE COURT: And can you tell me what those medications
18 are, what they're for, however you want to --

19 THE DEFENDANT: I don't know the names of them. One
20 of them is Advair, and it's to help my breathing. I take a
21 pain pill because I have a serious problem with my leg and hip
22 hurting when I walk. I take another one, I have an enlarged
23 prostate, that helps hold it down so that it helps my bladder
24 get through. I take another one that helps reduce my
25 cholesterol. I have another one that -- I have a drip that I

1 have to -- nose drops. I have to take two every morning to
2 make sure that my head won't -- it will start me coughing all
3 the time.

4 I think that's it.

5 THE COURT: How did you come here this morning?

6 THE DEFENDANT: I flew here, sir.

7 THE COURT: You flew in?

8 THE DEFENDANT: From Nashville, Tennessee.

9 THE COURT: I see. Did you have any trouble making
10 that trip?

11 THE DEFENDANT: No, sir, I didn't. Just my leg
12 swelled up.

13 THE COURT: And you handled your own baggage or
14 problems and so on?

15 THE DEFENDANT: No, I had no baggage. It's just going
16 to the ticket counter and get on the plane.

17 THE COURT: You didn't get lost or anything?

18 THE DEFENDANT: I almost did in Cincinnati. I hadn't
19 been in that airport. It's huge. Besides that, I had a hard
20 time finding my attorney.

21 THE COURT: What we're trying to get at is, are you
22 able to reason and discuss this situation --

23 THE DEFENDANT: Absolutely.

24 THE COURT: -- with me?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: Do you wish to develop the point any
2 further?

3 MS. JINDRA: No, Your Honor.

4 THE COURT: Mr. Lustberg, do you have any doubt as to
5 the competency of the defendant to plead at this time?

6 MR. LUSTBERG: No doubt whatsoever, Your Honor.

7 THE COURT: Mr. Corbin, you recall we just read
8 together the charge in this case in the Bill of Information --

9 THE DEFENDANT: Yes, Your Honor.

10 THE COURT: -- just a few moments ago.

11 THE DEFENDANT: Yes, Your Honor.

12 THE COURT: Do you understand the nature and meaning
13 of this charge?

14 THE DEFENDANT: Yes, I do, Your Honor.

15 THE COURT: Have you told your lawyer everything you
16 know about this case?

17 THE DEFENDANT: I have, Your Honor.

18 THE COURT: Do you believe your lawyer is fully
19 informed about the facts and circumstances on which this charge
20 is based?

21 THE DEFENDANT: Yes, I do, Your Honor.

22 THE COURT: Has your lawyer fully informed counsel and
23 advised you on the nature and meaning of the charges?

24 THE DEFENDANT: Yes, he has, Your Honor.

25 THE COURT: Now, before you can be found guilty of

1 this charge, the United States must prove to a panel of jurors
2 that we'll select at random, you and I will help select those
3 people that will judge us, and the government must prove to
4 this jury beyond a reasonable doubt certain things, or
5 elements, as we call them.

6 And the elements that the government must prove in this
7 case, and which the jury must find beyond a reasonable doubt
8 that you did, are these: that the conspiracy, agreement, or
9 understanding described in the Information --

10 And we just read that. It was this deal with the ice and
11 so forth up in Michigan.

12 -- was knowingly formed and was existing at or about the
13 time alleged in the Information, and that was, I believe, March
14 2005 to July 17th, 2007.

15 Now, when did you retire from Artic?

16 THE DEFENDANT: Actually, about two-- the latter part
17 of 2005, 2006. I stayed on their payroll, but that was part of
18 my retirement package, sir.

19 THE COURT: Were you active during that period of
20 time?

21 THE DEFENDANT: Not really. I answered questions
22 sometimes if I'd get a call, but not really, to the best of my
23 knowledge.

24 THE COURT: I see. And the next element is that you
25 knowingly became a member of the conspiracy agreement or

1 understanding as charged and that the conspiracy constituted an
2 unreasonable restraint of interstate commerce, and the offense
3 was carried out, in part, in the Southern District of Ohio
4 within five years preceding the filing of the Information.

5 Now, the Southern District of Ohio is roughly the southern
6 half of Ohio. If you draw a line just north of Columbus from
7 the east to the west border, the Southern District of Ohio lies
8 from there to the river, Ohio River. And, for example,
9 Cincinnati, Hamilton County, Butler, Hamilton city, Lebanon,
10 Clermont County, are all in the Southern District of Ohio, as
11 an example.

12 Now, do you understand that if you plead guilty, you will
13 admit beyond a reasonable doubt that you did these things?

14 THE DEFENDANT: Yes, Your Honor, I do.

15 THE COURT: Now, do you know what the maximum possible
16 penalty for this offense is?

17 THE DEFENDANT: My attorney has told me.

18 THE COURT: What is it? I'm sorry. What is it?

19 THE DEFENDANT: A term of imprisonment for ten years
20 and a fine. Do you want me to read the whole thing?

21 THE COURT: I just want you to tell me what the
22 maximum penalty is, because I've got to satisfy myself that you
23 know what it is, because I might sentence you to it.

24 THE DEFENDANT: Ten years and a million dollars' fine,
25 sir.

1 THE COURT: And there is also two times the gross
2 pecuniary loss and gain.

3 THE DEFENDANT: Yes.

4 THE COURT: There's three years of supervised release,
5 there's a hundred dollar special assessment, and there's
6 restitution.

7 THE DEFENDANT: Yes, sir.

8 THE COURT: And the importance of supervised release
9 is this, that at the time of sentencing, if you're sentenced to
10 the penitentiary, there will also be assigned a period of
11 supervised release of up to three years. At the time of
12 sentencing conditions will be placed on your conduct during the
13 time of supervised release. If you should violate those
14 conditions during the term of supervised release, you could be
15 recommitted to the penitentiary for a period of time, and I
16 believe, under the facts of this situation, as much as two
17 additional years. So under the worst set of circumstances,
18 from your point of view, you could serve as many as 12 years in
19 the penitentiary.

20 Do you have any understanding or question about that?

21 THE DEFENDANT: No. My attorney explained that to me.

22 THE COURT: I wish that the court of appeals would let
23 me accept his representation that he did, but I can't. I've
24 got to go through this.

25 THE DEFENDANT: I understand, sir.

1 THE COURT: And my problem is that I want to be sure
2 that I know that you know.

3 THE DEFENDANT: (Nods head up and down.)

4 THE COURT: And so I appreciate your comment, and I'm
5 glad your attorney did advise you of this so it isn't a
6 terrible shock to you today what we're facing.

7 THE DEFENDANT: Your Honor, I think he's totally
8 advised me of everything. We've gone over it many times.

9 THE COURT: Thank you.

10 Now, I assume that since he has, that he's also discussed
11 the Sentencing Guidelines with you?

12 THE DEFENDANT: Yes, he has, Your Honor.

13 THE COURT: Now, what did he advise you about the
14 Sentencing Guidelines?

15 THE DEFENDANT: That it was at the discretion of the
16 judge.

17 (Mr. Lustberg and the defendant confer privately.)

18 THE DEFENDANT: According to the Guidelines, 12 to 18
19 months, but there were certain concessions.

20 THE COURT: In other words, that you've worked out the
21 mathematics and it's 12 to 18 months, from your information?

22 THE DEFENDANT: Yes. My attorney worked it out.

23 THE COURT: I see. All right.

24 And are you aware that there is no parole in the Sentencing
25 Reform Act available to you in this type of situation?

1 THE DEFENDANT: I do, Your Honor.

2 THE COURT: And do you understand that the Sentencing
3 Guidelines are just advisory?

4 THE DEFENDANT: I do.

5 THE COURT: That despite the Sentencing Guidelines
6 that they suggested, that I can impose a sentence that is more
7 severe or less severe than the Guidelines?

8 THE DEFENDANT: My attorney so advised me of that
9 today, and I understand that totally. It's your decision, Your
10 Honor.

11 THE COURT: And you understand that under certain
12 circumstances, either you or the United States may appeal the
13 sentence imposed?

14 THE DEFENDANT: Under certain circumstances, yes, sir.

15 THE COURT: And that you may also lose your right to
16 vote. I know you'll lose your right to possess firearms, serve
17 on jury duty, or hold public office.

18 THE DEFENDANT: My attorney advised me of all these
19 facts, sir.

20 THE COURT: Now, are you an American citizen?

21 THE DEFENDANT: Yes, sir, I am.

22 THE COURT: And please understand that after you are
23 sentenced, you have no right to withdraw your guilty plea; that
24 after you are sentenced, you have no right to withdraw your
25 guilty plea.

1 THE DEFENDANT: I understand that, Your Honor.

2 THE COURT: Now, do you understand that if I accept
3 your plea of guilty, I could impose a maximum penalty?

4 THE DEFENDANT: Yes, sir, I certainly do.

5 THE COURT: Now, since you know the maximum penalty,
6 do you still wish to plead guilty?

7 THE DEFENDANT: Yes, sir, I do.

8 THE COURT: Do you understand that if I accept your
9 plea of guilty, I may or may not place you on probation?

10 THE DEFENDANT: Yes, sir, I totally understand that.

11 THE COURT: I advise you that, under the Constitution
12 and laws of the United States, you have the right to plead not
13 guilty. You have the right to be tried by a jury, and at such
14 a speedy and public trial you would have the right to the
15 assistance of a lawyer, the right to confront and cross-examine
16 witnesses against you, and the right not to be compelled to
17 incriminate yourself. At such trial you would be presumed
18 innocent until such time, if ever, as the government
19 established your guilt by legal evidence beyond a reasonable
20 doubt. At such trial you would be entitled to compulsory
21 process, to call witnesses on your behalf.

22 Do you understand that if you plead guilty, you give up all
23 these rights that I have mentioned?

24 THE DEFENDANT: Yes, Your Honor, I do. My attorney
25 explained it to me.

1 THE COURT: Do you understand that if you plead
2 guilty, there will not be a further trial of any kind in your
3 case, so that by pleading guilty you are giving up the right to
4 a trial?

5 THE DEFENDANT: Yes, Your Honor, I do.

6 THE COURT: Do you understand that if your plea of
7 guilty is accepted, the judge can impose the same penalty as
8 though you pled not guilty, stood trial, and had been convicted
9 by a jury?

10 THE DEFENDANT: Yes, Your Honor, I understand that.

11 THE COURT: If you plead guilty, do you understand
12 that you'll also have to give up your right not to incriminate
13 yourself, since I'll have to ask you questions about what you
14 did in order to satisfy me that you are guilty as charged, and
15 you will have to acknowledge your guilt?

16 THE DEFENDANT: I do, Your Honor.

17 THE COURT: Are you willing to give up your right to a
18 trial and the other rights we've just discussed?

19 THE DEFENDANT: Yes, Your Honor, I am.

20 THE COURT: Proper plea agreements are permissible.
21 However, you and the lawyers have a duty to explain the plea
22 agreement to the record. I'm going to ask the Assistant U.S.
23 Attorney to present the plea agreement to the record. Please
24 follow along as she does so. I may ask you some questions
25 about it after she's concluded.

1 Ms. Jindra.

2 MR. CULUM: Thank you, Your Honor.

3 United States of America, Plaintiff, versus Keith E.
4 Corbin, Defendant. Plea Agreement.

5 The United States of America and Keith E. Corbin,
6 defendant, hereby enter into the following plea agreement
7 pursuant to Rule 11(c)(1)(B) of the Federal Rules of Criminal
8 Procedure:

9 Heading: Rights Of Defendant.

10 The defendant understands his rights:

11 (a) to be represented by an attorney;

12 (b) to be charged by Indictment;

13 (c) to plead not guilty to any criminal charge brought
14 against him;

15 (d) to have a trial by jury, at which he would be presumed
16 not guilty of the charge and the United States would have to
17 prove every essential element of the charged offense beyond a
18 reasonable doubt for him to be found guilty;

19 (e) to confront and cross-examine witnesses against him and
20 to subpoena witnesses in his defense at trial;

21 (f) not to be compelled to incriminate himself;

22 (g) to appeal his conviction, if he is found guilty; and

23 (h) to appeal the imposition of sentence against him.

24 Heading: Agreement To Plead Guilty And Waive Certain
25 Rights.

Paragraph number 2. The defendant knowingly and voluntarily waives the rights set out in paragraphs 1(b) through (h) above. The defendant also knowingly and voluntarily waives the right to file any appeal, any collateral attack, or any other writ or motion including, but not limited to, an appeal under 18 U.S.C. Section 3742 or a motion under 28 U.S.C. Section 2241 or 2255, that challenges the sentence imposed by the Court if that sentence is inconsistent with the Guideline calculations described in paragraph 8 of this plea agreement. This agreement does not affect the rights or obligations of the United States as set forth in 18 U.S.C. Section 3742(b). Nothing in this paragraph, however, shall act as a bar to the defendant perfecting any legal remedies he may otherwise have on appeal or collateral attack respecting claims of ineffective assistance of counsel or prosecutorial misconduct. Pursuant to Federal Rules of Criminal Procedure 7(b), the defendant will waive indictment and plead guilty at arraignment to a one-count Information to be filed in the United States District Court for the Southern District of Ohio. The Information will charge the defendant with participating in a conspiracy to suppress and eliminate competition by agreeing with other packaged-ice manufacturers to allocate customers in southeastern Michigan and the Detroit, Michigan, metropolitan area, beginning at least as early as March 1st, 2005, and continuing until at least July 17th, 2007, in violation of the

1 Sherman Antitrust Act, 15 U.S.C. Section 1.

2 Paragraph number 3. The defendant, pursuant to the terms
3 of this plea agreement, will plead guilty to the criminal
4 charge described in paragraph 2 above and will make a factual
5 admission of guilt to the Court in accordance with Federal Rule
6 of Criminal Procedure 11, as set forth in paragraph 4 below.
7 The United States agrees that, at the arraignment, it will
8 stipulate to the release of the defendant on his personal
9 recognizance, pursuant to 18 U.S.C. Section 3142, pending the
10 sentencing hearing in this case.

11 Heading: Factual Basis For Offense Charged.

12 Paragraph number 4. Had this case gone to trial, the
13 United States would have presented evidence sufficient to prove
14 the following facts:

15 (a) For purposes of this plea agreement, the relevant
16 period is that period beginning at least as early as March 1st,
17 2005, and continuing until at least July 17th, 2007. During
18 the relevant period, from March 1st, 2005, until September 1st,
19 2006, the defendant served as vice president of sales and
20 marketing of Artic Glacier International Inc., in parentheses
21 "Artic Glacier," a corporation organized and existing under the
22 laws of the state of Delaware and with its principal place of
23 business in St. Paul, Minnesota. During the relevant period,
24 after September 1st, 2006, the defendant served as a consultant
25 to Artic Glacier. During the relevant period, Artic Glacier

1 was a producer of packaged ice in multiple states and was
2 engaged in the sale of packaged ice. Packaged ice is marketed
3 as a high-grade ice for human consumption and is sold in
4 varying sizes, blocks, big bags, and small bags.

5 (b) During the relevant period, the defendant participated
6 in a conspiracy to allocate customers of packaged ice sold in
7 southeastern Michigan and the Detroit, Michigan, metropolitan
8 area. In furtherance of the conspiratorial activity, the
9 defendant engaged in discussions with representatives of other
10 packaged-ice producers. During these discussions, agreements
11 were reached to allocate customers of packaged ice to be sold
12 in southeastern Michigan and the Detroit, Michigan,
13 metropolitan area.

14 (c) During the relevant period, Artic Glacier's sales of
15 packaged ice affecting customers totaled over \$10 million.

16 (d) During the relevant period, packaged ice sold by one or
17 more of the conspirator firms, and equipment and supplies
18 necessary to the production and distribution of packaged ice,
19 as well as payments for packaged ice, traveled in interstate
20 commerce. The business activities of the defendant's employer
21 and its co-conspirators in connection with the production and
22 sale of packaged ice affected by this conspiracy were within
23 the flow of, and substantially affected, interstate trade and
24 commerce.

25 (e) Acts in furtherance of this conspiracy were carried out

1 within the Southern District of Ohio, Western Division. At
2 least one of the conspiratorial discussions described above
3 took place in Cincinnati, Ohio, which is located within the
4 Southern District of Ohio.

5 Heading: Possible Maximum Sentence.

6 Paragraph number 5. The defendant understands that the
7 statutory maximum penalty which may be imposed against him upon
8 conviction for a violation of Section 1 of the Sherman
9 Antitrust Act is:

10 (a) a term of imprisonment for ten years, 15 U.S.C. Section
11 1;

12 (b) a fine in an amount equal to the greatest of \$1 million
13 or twice the pecuniary gain the conspirators derived from the
14 crime or twice the gross pecuniary loss caused to the victims
15 of the crime by the conspirators, 15 U.S.C. Section 1, 18
16 U.S.C. Section 3571(b) and (d); and

17 (c) a term of supervised release of three years following
18 any term of imprisonment. If the defendant violates any
19 condition of supervised release, the defendant could be
20 required to serve up to two years in prison, 18 U.S.C. Section
21 3559(a)(3), 18 U.S.C. Section 3583(b)(2) and (e)(3), and United
22 States Sentencing Guideline, "U.S.S.G.," "Sentencing
23 Guidelines" or "Guidelines," Section 5D1.2(a)(2).

24 Paragraph number 6. In addition, the defendant understands
25 that:

1 (a) pursuant to U.S.S.G. Section 5E1.1 or 18 U.S.C. Section
2 3663(a)(3) or 3583(d), the Court may order him to pay
3 restitution to the victims of the offense; and

4 (b) pursuant to 18 U.S.C. Section 3013(a)(2)(A), the Court
5 is required to order the defendant to pay a \$100 special
6 assessment upon conviction for the charged crime.

7 Heading: Sentencing Guidelines.

8 Paragraph number 7. The defendant understands that the
9 Sentencing Guidelines are advisory, not mandatory, but that the
10 Court must consider the Guidelines in effect on the day of
11 sentencing, along with other factors set forth in 18 U.S.C.
12 Section 3553(a), in determining and imposing a sentence. The
13 defendant understands that the Guidelines determinations will
14 be made by the Court by a preponderance of the evidence
15 standard. The defendant understands that although the Court is
16 not ultimately bound to impose a sentence within the applicable
17 Guidelines range, its sentence must be reasonable based upon
18 consideration of all relevant sentencing factors set forth in
19 18 U.S.C. Section 3553(a). Pursuant to U.S.S.G. Section 1B1.8,
20 the United States agrees that self-incriminating information
21 that the defendant provides to the United States pursuant to
22 this plea agreement will not be used to increase the volume of
23 affected commerce attributable to the defendant or in
24 determining the defendant's applicable Guidelines range, except
25 to the extent provided in U.S.S.G. Section 1B1.8(b).

1 Paragraph number 8. Pursuant to U.S.S.G. Section 6B1.4,
2 the United States and the defendant enter into the following
3 stipulation:

4 (a) The base offense level for the offense to which the
5 defendant is pleading guilty, as established by U.S.S.G.
6 Section 2R1.1(a), is 12.

7 (b) The volume of commerce attributable to the defendant
8 within the meaning of U.S.S.G. Section 2R1.1(b)(2) is more than
9 \$10 million, but less than \$40 million, which increases the
10 offense level by four.

11 (c) For purposes of U.S.S.G. Section 3E1.1, a three-level
12 reduction of the offense level for the defendant's acceptance
13 of responsibility is appropriate. However, should the United
14 States obtain or receive additional evidence or information
15 prior to sentencing that, in its sole discretion, it determines
16 to be credible and materially in conflict with this
17 stipulation, then the United States shall no longer be bound by
18 this stipulation.

19 (d) Based on the foregoing, defendant's adjusted offense
20 level for the offense to which he is pleading guilty is 13.
21 The Guidelines incarceration range for offense level 13 is 12
22 to 18 months' imprisonment. The defendant's appropriate
23 Guidelines fine range is governed by Section 2R1(c)(1).

24 And unfortunately, there's an error there.

25 THE COURT: I didn't bring it up this time.

1 MS. JINDRA: Well, it should read section 2R1(c)(1).

2 Heading: Sentencing Agreement.

3 Paragraph number 9. The defendant understands that the
4 sentence to be imposed on him is within the sole discretion of
5 the sentencing judge. The United States cannot and does not
6 make any promises or representations as to what sentence he
7 will receive, and is free to recommend any specific sentence to
8 the Court. However, the United States will inform the
9 probation office and the Court of (a) this agreement; (b) the
10 nature and extent of the defendant's activities with respect to
11 this case and all other activities of the defendant which the
12 United States deems relevant to the sentencing; and (c) the
13 nature and extent of the defendant's cooperation with the
14 United States. In so doing, the United States may use any
15 information it deems relevant, including information provided
16 by the defendant both prior and subsequent to the signing of
17 this agreement. The United States reserves the right to make
18 any statement to the Court or the probation office concerning
19 the nature of the criminal violation charged in the
20 Information, the participation of the defendant therein, and
21 any other facts or circumstances that it deems relevant. The
22 United States also reserves the right to comment on or to
23 correct any representation made on or behalf of the
24 defendant -- I'm sorry, made by or on behalf of the defendant,
25 and to supply any other information that the Court may require.

1 Paragraph number 10. The United States understands that
2 the defendant may move for a downward departure for health
3 reasons, based on U.S.S.G. 5H1.4. The United States reserves
4 the right to oppose such a motion. Before moving for such a
5 downward departure, the defendant agrees to notify the United
6 States 60 days in advance of sentencing of his desire to do so.
7 He further agrees to waive all physician-patient
8 communications, including all medical examinations performed on
9 him in the last four years, and to submit to an independent
10 physical examination that will be performed for the benefit of
11 the United States and this Court.

12 Paragraph number 11. If the United States determines that
13 the defendant has provided substantial assistance in any
14 investigation or prosecution in the packaged-ice industry, and
15 has otherwise fully complied with all of the terms of this plea
16 agreement, it will file a motion, pursuant to U.S.S.G. Section
17 5K1.1, advising the sentencing judge of all relevant facts
18 pertaining to that determination and requesting the Court to
19 sentence the defendant in light of the factors set forth in
20 U.S.S.G. Section 5K1.1(a)(1) through (5). The defendant
21 acknowledges that the decision whether he has provided
22 substantial assistance in any investigation or prosecution of
23 the packaged-ice industry and has otherwise complied with the
24 terms of the plea agreement is within the sole discretion of
25 the United States. It is understood that, should the United

1 States determine that the defendant has not provided
2 substantial assistance in any investigation or prosecution of
3 the packaged-ice industry, or should the United States
4 determine that the defendant has violated any provision of this
5 plea agreement, such a determination will release the United
6 States from any obligation to file a motion pursuant to
7 U.S.S.G. Section 5K1.1, but will not entitle the defendant to
8 withdraw his guilty plea once it has been entered. The
9 defendant further understands that, whether or not the United
10 States files a motion pursuant to U.S.S.G. Section 5K1.1, the
11 sentence to be imposed on him remains within the sole
12 discretion of the sentencing judge. To enable the Court to
13 have the full benefit of all relevant sentencing information,
14 the United States may request that sentencing be postponed
15 until the defendant's cooperation is complete.

16 Paragraph number 12. The parties agree that they are not
17 aware at this time of any aggravating or mitigating
18 circumstances of a kind, or to a degree, not adequately taken
19 into consideration by the U.S. Sentencing Commission in
20 formulating the Sentencing Guidelines justifying a departure
21 pursuant to U.S.S.G. Section 5K2.0.

22 Paragraph number 13. In light of the availability of civil
23 causes of action available pursuant to 15 U.S.C. Section 15,
24 the United States agrees that it will not seek a restitution
25 order for the offense charged in the Information.

1 Paragraph number 14. The defendant understands that the
2 Court will order him to pay a \$100 special assessment pursuant
3 to 18 U.S.C. Section 3013(a)(2)(A) in addition to any fine
4 imposed.

5 Paragraph number 15. The defendant understands that, as
6 provided in Federal Rules of Criminal Procedure 11(c)(3)(B), if
7 the Court does not impose a sentence consistent with either
8 party's sentencing recommendation, he nevertheless has no right
9 to withdraw his plea of guilty.

10 Heading: Defendant's Cooperation.

11 Paragraph number 16. The defendant will cooperate fully
12 and truthfully with the United States in the prosecution of
13 this case, the conduct of the current federal investigation of
14 violations of federal antitrust and related criminal laws
15 involving the sale of packaged ice in the United States, any
16 other federal investigation resulting therefrom, and any
17 litigation or other proceedings arising or resulting from any
18 such investigation to which the United States is a party, in
19 parentheses, "federal proceeding." The ongoing, full, and
20 truthful cooperation of the defendant shall include, but not be
21 limited to:

22 (a) producing all non-privileged documents, including
23 claimed personal documents, and other materials, wherever
24 located, in the possession, custody, or control of the
25 defendant, requested by attorneys and agents of the United

1 States;

2 (b) making himself available for interviews, not at the
3 expense of the United States, upon the request of attorneys and
4 agents of the United States;

5 (c) responding fully and truthfully to all inquiries of the
6 United States in connection with any federal proceeding,
7 without falsely implicating any person or intentionally
8 withholding any information, subject to the penalties of making
9 false statements, 18 U.S.C. Section 1001, and obstruction of
10 justice, 18 U.S.C. Section 1503;

11 (d) otherwise voluntarily providing the United States with
12 any non-privileged material or information, not requested in
13 (a) through (c) of this paragraph, that he may have that is
14 related to any federal proceeding; and

15 (e) when called upon to do so by the United States in
16 connection with any federal proceeding, testifying in grand
17 jury, trial, and other judicial proceedings, fully, truthfully,
18 and under oath, subject to the penalties of perjury, 18 U.S.C.
19 Section 1621; making false statements or declarations in grand
20 jury or court proceedings, 18 U.S.C. Section 1623; contempt, 18
21 U.S.C. Sections 401 through 402; and obstruction of justice, 18
22 U.S.C. Section 1503.

23 Heading: Government's Agreement.

24 Paragraph number 17. Subject to the full, truthful, and
25 continuing cooperation of the defendant, as described in

1 paragraph 16 of this plea agreement, and upon the Court's
2 acceptance of the guilty plea called for by this plea agreement
3 and the imposition of the sentence as determined by the Court,
4 the United States will not bring further criminal charges
5 against the defendant for any act or offense committed before
6 the date of this plea agreement that was undertaken in
7 furtherance of an attempted or completed antitrust conspiracy
8 involving the sale of packaged ice or undertaken in connection
9 with any investigation of such a conspiracy, in parentheses,
10 "relevant offense." The non-prosecution terms of this
11 paragraph do not apply to civil matters of any kind, to any
12 violation of the federal tax or securities laws, or to any
13 crime of violence.

14 Paragraph number 18. The defendant understands that he may
15 be subject to administrative action by federal or state
16 agencies other than the United States Department of Justice,
17 Antitrust Division, based upon the conviction resulting from
18 this plea agreement, and that this plea agreement in no way
19 controls whatever action, if any, other agencies may take.
20 However, the United States agrees that, if requested, it will
21 advise the appropriate officials of any governmental agency
22 considering such administrative action of the fact, manner, and
23 extent of the cooperation of the defendant as a matter for that
24 agency to consider before determining what administrative
25 action, if any, to take.

1 Heading: Representation By Counsel.

2 Paragraph number 19. The defendant has reviewed all legal
3 and factual aspects of this case with his attorney and is fully
4 satisfied with his attorney's legal representation. The
5 defendant has thoroughly reviewed this plea agreement with his
6 attorney and has received satisfactory explanations from his
7 attorney concerning each paragraph of this plea agreement and
8 alternatives available to the defendant other than entering
9 into this plea agreement. After conferring with his attorney
10 and considering all available alternatives, the defendant has
11 made a knowing and voluntary decision to enter into this plea
12 agreement.

13 Heading: Voluntary Plea.

14 Paragraph number 20. The defendant's decision to enter
15 into this plea agreement and to tender a plea of guilty is
16 freely and voluntarily made and is not the result of force,
17 threats, assurances, promises, or representations other than
18 the representations contained in this plea agreement. The
19 United States has made no promises or representations to the
20 defendant as to whether the Court will accept or reject the
21 recommendations contained within this plea agreement.

22 Heading: Violation Of Plea Agreement.

23 Paragraph number 21. The defendant agrees that, should the
24 United States determine in good faith, during the period that
25 any federal proceeding is pending, that the defendant has

1 failed to provide full and truthful cooperation, as described
2 in paragraph 16 of this plea agreement, or has otherwise
3 violated any provision of this plea agreement, the United
4 States will notify the defendant or his counsel in writing by
5 personal or overnight delivery or facsimile transmission and
6 may also notify his counsel by telephone of its intention to
7 void any of its obligations under this plea agreement, except
8 its obligations under this paragraph, and the defendant shall
9 be subject to prosecution for any federal crime of which the
10 United States has knowledge including, but not limited to, the
11 substantive offenses relating to the investigation resulting in
12 this plea agreement. The defendant agrees that, in the event
13 that the United States is released from its obligations under
14 this plea agreement and brings criminal charges against the
15 defendant for any relevant offense, the statute of limitations
16 period for such offense shall be tolled for the period between
17 the date of the signing of this plea agreement and six months
18 after the date the United States gave notice of its intent to
19 void its obligations under this plea agreement.

20 Paragraph number 22. The defendant understands and agrees
21 that in any further prosecution of him resulting from the
22 release of the United States from its obligation under the plea
23 agreement based on the defendant's violation of the plea
24 agreement, any documents, statements, information, testimony,
25 or evidence provided by him to attorneys or agents of the

1 United States, federal grand juries, or courts, and any leads
2 derived therefrom, may be used against him in any such further
3 prosecution. In addition, the defendant unconditionally waives
4 his right to challenge the use of such evidence in any such
5 further prosecution, notwithstanding the protections of Federal
6 Rules of Evidence 410.

7 Heading: Entirety of Agreement.

8 Paragraph number 23. This plea agreement constitutes the
9 entire agreement between the United States and the defendant
10 concerning the disposition of the criminal charge in this case.
11 This plea agreement cannot be modified except in writing,
12 signed by the United States and the defendant.

13 Paragraph number 24. The undersigned attorneys for the
14 United States have been authorized by the Attorney General for
15 the United States to enter this plea on behalf of the United
16 States.

17 The plea agreement signature is dated October 5th, 2009.
18 It's signed by Keith E. Corbin, Defendant, and attorney
19 Lawrence Lustberg, Esquire. It's also signed by Kevin Culum of
20 the U.S. Department of Justice, Antitrust Division.

21 THE COURT: Mr. Corbin, is that your signature at the
22 end of the agreement?

23 THE DEFENDANT: Yes, it is.

24 THE COURT: Would you read me the 23rd paragraph of
25 the agreement.

1 THE DEFENDANT: "This plea agreement constitutes the
2 entire agreement between the United States and the defendant
3 concerning the disposition of the criminal charge in this case.
4 The plea agreement cannot be modified except in writing, signed
5 by the United States and the defendant."

6 THE COURT: Is that true --

7 THE DEFENDANT: Yes, it is.

8 THE COURT: -- what you just read?

9 THE DEFENDANT: Yes, it is.

10 THE COURT: In fact, have all the agreements you made
11 in this plea agreement been the truth?

12 THE DEFENDANT: Yes, they have, Your Honor.

13 THE COURT: Do you have any questions about this plea
14 agreement?

15 THE DEFENDANT: No, I don't, Your Honor.

16 THE COURT: Now, in addition to the Sentencing
17 Guidelines computation that we've discussed and is set forth in
18 the plea agreement, we're also bound to follow the information
19 provided us by the Congress of the United States in determining
20 a sentence in your case, and those elements are set forth in
21 Title 18, Section 3553(a), of the Sentencing Guidelines -- or
22 of the United States Code. And it's our duty, yours and mine,
23 to determine a sentence that is sufficient but not greater than
24 necessary, to follow the suggestions contained in this statute.

25 And the suggestions that we must consider in fashioning a

1 sufficient but not greater than necessary sentence are these:
2 the nature and circumstances of the offense, your history and
3 characteristics, the need for the sentence imposed to reflect
4 the seriousness of the offense, to promote respect for the law,
5 and to provide just punishment for the offense, to afford
6 adequate deterrence to criminal conduct generally, to protect
7 the public from further crimes you may commit, to provide you
8 with needed educational or vocational training, medical care,
9 or other correctional treatment in the most effective manner,
10 the kinds of sentences available, and the Sentencing Guidelines
11 that we've discussed rather fully.

12 Now, at the time of sentencing I'll receive all available
13 information that will help us determine a just sentence in your
14 case, so it's very important that you give me all the
15 information at sentencing that can possibly make that
16 determination more accurate than we can possibly be. And it's
17 our responsibility, yours and mine, to make that determination.

18 Now, has anyone made any promise to you, other than the
19 plea agreement, that induced you to plead guilty?

20 THE DEFENDANT: No, sir, Your Honor.

21 THE COURT: Aside from the plea agreement, which we
22 just discussed, has any person, including an officer or agent
23 of any governmental agency, any lawyer, any person, suggested
24 to you in any way that you'll receive a lighter sentence or any
25 other form of leniency if you plead guilty?

1 THE DEFENDANT: No, sir.

2 THE COURT: Have any threats been made --

3 THE DEFENDANT: No, sir.

4 THE COURT: -- that induced you to plead guilty?

5 THE DEFENDANT: No, sir, they haven't.

6 THE COURT: Is it fair, then, for me to believe that
7 this decision of yours to plead guilty is your voluntary act
8 and deed?

9 THE DEFENDANT: Yes, Your Honor, it is.

10 THE COURT: And is it fair for me to believe that
11 you're pleading guilty here today with a full understanding of
12 the charge against you and the consequences of that plea of
13 guilty?

14 THE DEFENDANT: Yes, Your Honor, it is.

15 THE COURT: Now let's refer back to page 3 of the plea
16 agreement. Now, there's set forth the factual basis of this
17 offense. Would you please review that very carefully.

18 Are there any additions or corrections or suggestions or
19 explanations you wish to make to those facts set forth?

20 THE DEFENDANT: No, Your Honor.

21 THE COURT: I mean, take your time. There's no rush.

22 THE DEFENDANT: No, sir.

23 THE COURT: Mr. Lustberg, has your investigation into
24 the facts of this case established the truth of those
25 statements?

1 MR. LUSTBERG: Yes, Your Honor.

2 THE COURT: Mr. Corbin --

3 THE DEFENDANT: Yes, sir.

4 THE COURT: -- are these facts set forth here in this
5 plea agreement that we've just discussed --

6 THE DEFENDANT: Yes, Your Honor.

7 THE COURT: -- the truth?

8 THE DEFENDANT: Yes, Your Honor.

9 THE COURT: Are they true?

10 THE DEFENDANT: Yes, they are.

11 THE COURT: Is it fair, then, for me to believe that
12 you're pleading guilty here today because you are, in fact,
13 guilty --

14 THE DEFENDANT: Yes, I am.

15 THE COURT: -- of a violation of Title 15, Section 1,
16 of the Sherman Antitrust Act?

17 THE DEFENDANT: Yes, sir, I am.

18 THE COURT: Is there anything else you wish me to
19 discuss with the defendant before I make my findings in the
20 matter, Ms. Jindra?

21 MS. JINDRA: No, Your Honor. Thank you.

22 THE COURT: Mr. Lustberg, anything you wish to place
23 on the record?

24 MR. LUSTBERG: No, Your Honor. Thank you very much.

25 THE COURT: Mr. Corbin, any questions at this time?

1 THE DEFENDANT: No, sir. You've been very explicit.
2 Thank you.

3 THE COURT: The trial judge has observed the
4 appearance and responsiveness of Mr. Corbin, the defendant, in
5 giving his answers to the questions asked. Based on such
6 observation and the answers given, the Court is satisfied that
7 the defendant is in full possession of his faculties.

8 He is suffering from some illnesses that are apparent. I
9 don't see them at this point in time, but I take your word that
10 you are suffering from these maladies.

11 THE DEFENDANT: Yes, Your Honor.

12 THE COURT: But that does not affect the determination
13 at this time, and it does not affect your reason, your ability
14 to reason.

15 THE DEFENDANT: Correct.

16 THE COURT: That you're not under the influence of
17 narcotics or alcohol.

18 THE DEFENDANT: No, sir.

19 THE COURT: That you understand that Title 18, United
20 States Code, Section 3553 controls the way we will pronounce a
21 sentence in this case, and that includes the Sentencing
22 Guidelines, which are discretionary.

23 THE DEFENDANT: Yes, sir, I do.

24 THE COURT: That you understand the proceedings in
25 which you are engaged, that you understand the nature and

1 meaning of the charge and the consequences of the plea of
2 guilty, and that you are aware of all plea negotiations
3 undertaken on your behalf.

4 THE DEFENDANT: Yes, Your Honor, I am.

5 THE COURT: Do you have any questions at this time?

6 THE DEFENDANT: No, sir, I don't.

7 THE COURT: The trial judge therefore finds that the
8 plea has been made voluntarily, with understanding of the
9 nature of the charge and the consequence of such plea. I will
10 accept your guilty plea and enter a judgment of guilty to a
11 violation of Title 15, United States Code, Section 1, the
12 Sherman Antitrust Act.

13 The matter will be referred to the United States Department
14 of Probation for a presentence report. The Court will reserve
15 ruling on the plea agreement until after all the information is
16 assembled, and the Court can make that determination at
17 sentencing.

18 The matter will be continued for sentencing until Tuesday,
19 February the 2nd, 2010, at 10:00 AM. February 2nd, 2010, at
20 10:00 AM.

21 The probation officer will provide us with a timeline so
22 that we can collect all the information that we need to make a
23 just sentence in your case.

24 THE DEFENDANT: Yes, sir.

25 THE COURT: Please assist in any way you can, and

1 please present to me at sentencing any information that will
2 assist us in pronouncing a just sentence --

3 THE DEFENDANT: I will, Your Honor.

4 THE COURT: -- in your case. And please, if we run
5 out of time on the timeline, why, please draw it to our
6 attention. Mr. Lustberg and Ms. Jindra can draw that to my
7 attention and we can adjust it, but let's try to meet that
8 sentencing date if we possibly can.

9 MR. LUSTBERG: Yes, sir.

10 THE DEFENDANT: Yes, sir.

11 THE COURT: Now, do you have any questions at this
12 time?

13 THE DEFENDANT: No, sir, I don't.

14 THE COURT: I understand that there has been a bond
15 report provided to the parties. Is that correct?

16 MS. JINDRA: Yes, Your Honor. We've reviewed that.

17 MR. LUSTBERG: Yes, Judge.

18 THE COURT: Have you had a chance to look at the
19 information contained in the bond report? And, please, if
20 there are any corrections, please point them out to me. I'd
21 appreciate it.

22 MR. LUSTBERG: Judge, we have reviewed it and it's
23 accurate. Thank you, Your Honor.

24 THE COURT: Any comment on the report at this time?

25 MS. JINDRA: No, Your Honor. We have reviewed it. We

1 don't have any comments.

2 THE COURT: Any comment on the report?

3 MR. LUSTBERG: No, Judge. We would urge the Court to
4 accept their recommendation.

5 THE COURT: Well, the Court will accept the
6 recommendation, and I believe it also comports with the plea
7 agreement in the matter, and I will therefore set those
8 conditions of the bond at this time.

9 And there is a part of this document that is the advice on
10 penalties and sanctions, and I am going to ask you to review
11 them with Mr. Lustberg and if you have any questions about it.
12 If you accept them, why, then sign the document and we'll
13 proceed.

14 The conditions are that you shall not violate any federal,
15 state, or local law while on release, that you must immediately
16 advise the Court, defense counsel, and the U.S. Attorney in
17 writing before any change in address or telephone number, that
18 you promise to appear in court as required and to surrender to
19 serve any sentence imposed, that you execute your own
20 recognizance bond, that you obtain no new passport.

21 And it's my understanding that your passport has expired.

22 THE DEFENDANT: Yes, Your Honor, it has.

23 THE COURT: And you make that representation to me
24 under oath?

25 THE DEFENDANT: Yes, I do, Your Honor.

1 THE COURT: That you refrain from possessing a
2 firearm, destructive device, or other dangerous weapon, that
3 you refrain from any excessive use of alcohol, that you refrain
4 from the use or unlawful possession of narcotic drugs or other
5 controlled substances unless prescribed by a licensed medical
6 practitioner.

7 MR. LUSTBERG: Judge, if I may, I just realized when
8 Your Honor said that that there is one issue, which is Mr.
9 Corbin has been a hunter and he has firearms in his home. We
10 will endeavor within the next week, if that's okay with the
11 Court, for him to sell those or otherwise dispose of them so
12 they won't be in his home. He's not a risk of any violation.

13 THE COURT: If he can put them out of his possession,
14 that's all that's required.

15 MR. LUSTBERG: All right. I just wanted to make sure.
16 It just may take a day or two to accomplish that.

17 THE COURT: The problem being that I don't want him to
18 commit another federal crime --

19 MR. LUSTBERG: No.

20 THE COURT: -- before we get started in this.

21 MR. LUSTBERG: No, I don't think we have to worry
22 about that, Your Honor.

23 THE DEFENDANT: Larry discussed that with me. That
24 won't take place.

25 THE COURT: All right. Well, I appreciate that. And

1 it is a problem, and it is a situation that is difficult
2 sometimes to carry out.

3 I'll hand you these papers, and if you'll go over them.

4 And then, Mr. Lustberg, if you'll explain the advice and
5 penalty section, why, we'll proceed to further conclude the
6 matter.

7 (Mr. Lustberg and the defendant confer privately.)

8 MR. LUSTBERG: Your Honor, I've explained the
9 penalties and the sanctions section of the order setting
10 conditions of release to Mr. Corbin. He has executed that
11 document, and I'll hand it back to the Court.

12 THE COURT: Thank you.

13 Let the record show that the Court observed Mr. Corbin
14 signing the document here in open court.

15 And I'll ask you to acknowledge to me that that is your
16 signature and you accept the conditions.

17 THE DEFENDANT: Yes, it is, Your Honor. Yes, Your
18 Honor.

19 THE COURT: Do you have any questions at this time,
20 sir?

21 THE DEFENDANT: No, sir, not -- I don't, Your Honor.

22 THE COURT: Is there anything further the United
23 States wants to do or wants the Court to do in this matter?

24 MS. JINDRA: No. Thank you, Your Honor.

25 MR. LUSTBERG: Nothing further, Judge. Thank you very

1 much for your courtesy.

2 THE COURT: The last time, any questions?

3 THE DEFENDANT: No, sir, Your Honor. I appreciate how
4 kind you've been to me.

5 THE COURT: Okay.

6 The defendant is ordered released after processing, and the
7 matter is continued until February the 2nd at 10:00 o'clock,
8 2010.

9 MR. LUSTBERG: Thank you, Your Honor.

10 MS. JINDRA: Thanks, Your Honor.

11 COURTROOM DEPUTY: All rise. This honorable court is
12 now in recess.

13 (Proceedings concluded at 3:35 PM.)

14 - - -

15 C E R T I F I C A T E

16 I, Luke T. Lavin, RDR, CRR, the undersigned, certify
17 that the foregoing is a correct transcript from the record of
18 proceedings in the above-entitled matter.

19
20 s/Luke T. Lavin
21 Luke T. Lavin, RDR, CRR
22 Official Court Reporter
23
24
25

- - -